

VZCZCXRO2875  
OO RUEHCI  
DE RUEHKT #0042/01 0090954  
ZNY CCCCC ZZH  
O 090954Z JAN 07  
FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4417  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 5232  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 5498  
RUEHKA/AMEMBASSY DHAKA PRIORITY 0671  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 3504  
RUEHLO/AMEMBASSY LONDON PRIORITY 4860  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0788  
RUEHCI/AMCONSUL CALCUTTA PRIORITY 2988  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2310  
RHEFDIA/DIA WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000042

SIPDIS

SIPDIS

E.O. 12958: DECL: 01/09/2017

TAGS: [PGOV](#) [PTER](#) [NP](#)

SUBJECT: NEPAL: GOVERNMENT AND MAOISTS AGREE ON INTERIM  
CONSTITUTION

REF: A. 06 KATHMANDU 3256

[B](#). 06 KATHMANDU 3013

[C](#). KATHMANDU 22

Classified By: CDA Nicholas J. Dean. Reasons 1.4 (b/d).

Summary

[1](#). (C) On January 8, leaders of the governing Seven-Party Alliance (SPA) and the Maoists signed an agreement to promulgate an interim constitution and form an interim parliament on January 15. The new parliament will have representation from the Maoists, opening the door for their entry into an interim government. Political party and civil society leaders were mixed in their reactions to the announcement, although all acknowledged shortcomings in the interim constitution that the interim parliament would need to work out.

Agreement Signed by Eight Parties

[2](#). (C) On January 8, leaders of the governing SPA and the Maoists signed an agreement to promulgate an interim constitution and form an interim parliament on January 15. The agreement calls for the draft interim constitution, which Prime Minister Koirala and Maoist Supremo Prachanda initialed December 16 (ref a), to be promulgated by the sitting House of Representatives. The existing House of Representatives will then be dissolved and a new interim parliament will be formed immediately on the same day. The agreement focuses on getting the general public involved in the Constituent Assembly elections (full text below).

Maoists Entering Politics in a Big Way

[3](#). (C) The decision by the SPA and the Maoists opens the door for the Maoists to enter an interim government, although the January 8 agreement did not say when that would happen. As previously agreed in the November 8 political agreement (ref b), the Maoists will have 73 seats in the interim parliament; they will be tied for the position of second largest parliamentary party. Prime Minister Koirala's Nepali Congress will have 74 seats, the center-left Communist Party

of Nepal-United Marxist Leninist will have 73, and the splinter Nepali Congress-Democratic will have 42 seats. No authoritative list of Maoist MPs has been made public, but Krishna Bahadur Mahara (ref c), the Maoists spokesman and lead negotiator, is expected to be at the top of the list of candidates. In addition to their 73 regular seats, the Maoists will have the power to appoint some share, yet to be determined, of the 48 seats to be allocated to members of civil society.

#### Political Leaders Have Mixed Views

-----

¶4. (C) Arjun Narsingh KC, Central Committee Member of the Nepali Congress (NC), told Emboff January 8 that the interim constitution would be promulgated and then debated in the interim parliament. Prakash Sharan Mahat, Central Committee Member of the Nepali Congress-Democratic (NC-D) and Jhalanath Khanal, Central Committee Member of the Communist Party of Nepal-United Marxist Leninist (CPN-UML), agreed. Mahat stressed that promulgation of the interim constitution was premature until arms management was complete. Khanal said that there were shortcomings in the interim constitution as it was written, but that the interim parliament would solve those problems.

#### Issues of Ethnic Minorities and Lower Castes Not Addressed

-----

¶5. (C) Anil Jha, Joint General Secretary of the Nepal Sadbhavana Party-Anandi Devi, said that the agreement was the result of a power balance between the NC, UML, and the Maoists and had ignored the needs and viewpoints of the

KATHMANDU 00000042 002 OF 002

smaller parties in the SPA. Jha did not believe the issues of ethnic minorities or lower castes would be addressed in the interim parliament. Subodh Pyakurel, President of the Informal Sector Service Center (INSEC), predicted that the promulgation of the interim constitution would give rise to new conflicts, especially within the ethnic communities who are not provided for in the interim constitution. Pyakurel said that if the interim parliament did not solve the problems of the ethnic communities in Nepal, then even the Maoists would not be spared in the resulting turmoil.

#### Comment

-----

¶6. (C) The Government of Nepal (GON) had assured us before the January 8 agreement that it would not promulgate the interim constitution until UN-monitored arms management began in earnest. The GON then caved in to Maoist and internal SPA (especially CPN-UML) pressure and agreed to promulgate the constitution on the day that arms management officially begins -- a pattern of concession that has been frequent. While the GON has also assured us in the past that it will refuse formation of an interim government inclusive of the Maoists until arms management is complete, it remains to be seen whether it will be able to hold out against Maoist and internal SPA pressure. The Maoists will likely be admitted into an interim government in the near future. We will continue to urge the GON to delay this step until arms management is complete.

#### Unofficial Translation of January 8 Agreement

-----

¶7. (SBU) Below is an unofficial translation of the January 8 agreement between the SPA and the Maoists.

Begin Text.

The meeting of the seven political parties and the Communist Party of Nepal-Maoist in the Prime Minister's Residence in Baluwatar made the following decisions on January 8:

- The "Interim Constitution of Nepal 2006" will be promulgated by the Parliament on January 15, and will be endorsed by the interim parliament on the same day.

- We appeal to all the political parties, civil society, and the general public to help create an impartial, fearless, and peaceful environment to hold the election to a Constituent Assembly by mid-June. For this purpose, all-party consensus will be needed for the collection of the voter's lists, distribution of citizenship, and to restore peace. We would like to express commitment that we will send the Village Development Committee Secretaries to their respective villages and will re-establish all the police posts.

- It is the duty of all the people to help conduct the election of the Constituent Assembly when the whole country is focused on the election campaign. All people should be on high alert while organizing various programs to give pressure to include the demands from each individual and group so that the reactionary forces will not take advantage. We urge everyone to have patience and to understand that all the problems of the people can be addressed only by the constitution formulated after the election of the Constituent Assembly.

End Text.  
DEAN